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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,489	01/20/2004	Daniel C. Griffin	MS1-1804US	4377
22801	7590	10/31/2008	EXAMINER	
LEE & HAYES PLLC 601 W Riverside Avenue Suite 1400 SPOKANE, WA 99201			WEST, THOMAS C	
			ART UNIT	PAPER NUMBER
			3685	
			MAIL DATE	DELIVERY MODE
			10/31/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/761,489	<b>Applicant(s)</b> GRIFFIN ET AL.	
	<b>Examiner</b> THOMAS WEST	<b>Art Unit</b> 3685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,5-9,12-17,19-24 and 33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) 1,5-9,12-17,19-24 and 33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6-25-08</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Status of Claims**

1. This action is in reply to the Arguments/Remarks filed on 6-24-08.
2. Claims 1, 5-9, 12-17, 19-24, 33 are currently pending and have been examined.

### ***Information Disclosure Statement***

3. The Information Disclosure Statement filed on 6-25-08 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

### ***Claim Objections***

4. Claim 20 depends from cancelled claim 18. Claim 20 will therefore be interpreted as depending from claim 17 herein. Claim 7 recites, "determining is said user is currently logged on", which will be interpreted as "determining "if" the user is currently logged on.

### ***Response to Arguments***

5. Applicant's arguments filed 6-24-08 have been fully considered but they are not persuasive. Applicant's arguments will be addressed in sequential order as they were set forth in the "Remarks" section on the above date. Applicant argues that Hamann does not read the root certificate. Hamann discloses reading the root certificate through

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the verification routine, of the digital signature, sent along with the certificate, and checking the availability of the public root key (paragraphs 6, 31, 33, 36). It is also unclear to the examiner how a certificate could be accessed, verified, and validated on a device such as a smart card without reading the certificate. Hamann discloses copying a root certificate to a user's client system, "storage of a replacement certificate at the user's or administrator's client system ... verified on the card using the public root key of the CA", here Hamann is referring to a root certificate by disclosing verification using the public root key (paragraph 33).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 5-9, 12-17, 19-24, 33 are rejected under U.S.C. 103(a) as being unpatentable over Hamann et al., U.S. Patent Application No. 2002/0026578 ("Hamann"), in view of Dancs, U.S. Patent No. 6,108,789 (Dancs).

#### **Claims 1, 9, 17, 21, 23, 33:**

Hamann, as shown, discloses

determining if a smartcard is operatively available, said smartcard having smartcard memory (see at least paragraphs 36, 46)

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identifying, reading (verification of digital signature, checking availability of public root key), and storing a root certificate (see at least paragraphs 5, 6, 31, 33, 36).

reading at least one root certificate from said smartcard memory (see paragraph 39)

storing said at least one root certificate in a device operatively coupled to said smartcard (see paragraph 32, user's client system)

wherein said device comprises a computing device having computer memory, and wherein storing said at least one root certificate in said device operatively coupled to said smartcard comprises copying said at least one root certificate from the smartcard to a certificate store maintained in said computer device (see paragraph 32)

authentication by the smartcard (see paragraphs 30-41, 46)

Hamann discloses the limitations as shown above. Hamann does not directly disclose the following limitation, but Dancs teaches:

requiring entry of a password (see at least col. 7, lines 23-40)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hamann to include the password of Dancs since this allows for access control of the smartcard through a PIN or password, to prevent fraudulent use.

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**Claims 12, 19, 22, 24:**

Hamann, as shown, discloses authenticating information (see at least paragraphs 40, 41).

**Claims 5, 13, 20:**

Hamann, as shown, discloses determining availability and no longer storing certificate (see at least paragraphs 28, 36, 41). Hamann paragraph 41 relates to a root certificate as described in Hamann claim 1, “a certificate of the certificate authority (CA) of said user certificate (root certificate)”.

**Claims 6, 7, 14, 15:**

Hamann discloses the limitations as shown above. Hamann does not directly disclose the following limitation, but Dancs teaches:

determining when an account associated with said smartcard is not active (see col. 2, lines 22-32)

no longer storing said root certificate in said device when said account is not active (see col.12, lines 24-30)

said account is associated with a user and determining when said account is not active includes determining is said user currently logged on (see col. 9, lines 33-49)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hamann to include the account activity, deletion of root

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certificate, and logon of Dancs since this allows for further access control of the smartcard through deletion of the certificate for an inactive account to prevent fraudulent use.

**Claims 8, 16:**

Hamann, as shown, discloses removing certificate (see at least paragraph 41).

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas West whose telephone number is 571-270-1236. The examiner can normally be reached on M-R 7:30am - 5pm EST, ALT Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin L. Hewitt, can be reached on (571) 272-6709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thomas West  
Patent Examiner  
Art Unit 3685  
October 19, 2008

/Calvin L Hewitt II/  
Supervisory Patent Examiner, Art Unit 3685